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PROVIDIAN BANCORP SERVICES AND
7 PROVIDIAN FINANCIAL HEALTH PLAN

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 ANITA B. CARR,

13 Plaintiff,

14 v.

15 LIBERTY LIFE ASSURANCE COMPANY,
et al.,

16 Defendants.
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No. C 05-03190 TEH

Action Filed: August 5, 2005

**[PROPOSED] ORDER GRANTING
DEFENDANTS PROVIDIAN
BANCORP SERVICES AND
PROVIDIAN FINANCIAL HEALTH
PLAN TO DISMISS AND, IN THE
ALTERNATIVE, TO COMPEL
ARBITRATION**

Date: January 30, 2006

Time: 10:00 a.m.

Place: Courtroom 12

Judge: Hon. Thelton E. Henderson

Trial Date: None Set

1 Defendants Providian Bancorp Services and Providian Financial Health Plan
2 (collectively “Defendants”) Motion to Dismiss under Federal Rule of Civil Procedure
3 12(b)(1) and 12(b)(6) and/or, in the alternative, Motion to Compel Arbitration pursuant to
4 the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.* and the California Arbitration Act, Cal.
5 Code Civ. Proc. §1281 *et. seq.* and Motion to Stay was heard by the Court on January 30,
6 2006.

7 Having considered the moving and opposing papers and the arguments of counsel, as
8 well as the pleadings, documents and records on file in this action, IT IS HEREBY
9 ORDERED, ADJUDGED AND DECREED THAT:

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11 (1) Defendants’ Motion to Dismiss is GRANTED. Plaintiff’s First Amended
12 Complaint is dismissed as to Defendants; **or**

13 (2) Defendants’ Motion to Compel Arbitration is GRANTED. Plaintiff’s claims
14 against Defendants shall be resolved via binding arbitration. In addition, Defendants
15 Motion to Stay Pending Arbitration is GRANTED. All proceedings against
16 Defendants in this action shall be stayed pending resolution of arbitration.
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20 _____
21 Honorable Thelton E. Henderson
22 United States District Court for the Northern
23 District of California
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